

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**ANNE BRUMBAUGH, GARY L. HARMON and
RANDY K. GRIFFIN,**

Plaintiffs,

v.

**WAVE SYSTEMS CORPORATION, JOHN E.
BAGALAY, JR., STEVEN K. SPRAGUE and
GERARD T. FEENEY,**

Defendants.

**CIVIL ACTION NO. 04-30022-
MAP**

**DEFENDANTS' ASSENTED-TO MOTION
FOR LEAVE TO EXCEED PAGE LIMIT**

Defendants Wave Systems Corporation, John E. Bagalay, Jr., Steven K. Sprague and Gerard T. Feeney (“Defendants”) with the assent of Plaintiffs, respectfully move this Court for leave to submit the accompanying 43-page Memorandum of Law in Support of Defendants’ Motion to Dismiss the Consolidated Amended Class Action Complaint, in excess of the standing 20-page limit provided in Local Rule 7.1(B)(4).

As grounds for this Motion for Leave to Exceed Page Limit (“Motion”), Defendants state the following:

1. The Memorandum of Law includes thorough analysis and citation to legal authority which will assist the Court in resolution of Defendants' Motion to Dismiss, and that might otherwise be compromised if confined to the 20-page limit.
2. Plaintiffs assent to the relief sought by this Motion.

WHEREFORE, Defendants respectfully request leave to submit a Memorandum of Law in Support of their Motion to Dismiss the Consolidated Amended Class Action Complaint in excess of the 20-page limit.

Respectfully submitted,

WAVE SYSTEMS CORPORATION, JOHN E. BAGALAY, JR., STEVEN K. SPRAGUE AND GERARD T. FEENEY,

By their attorneys,

/s/ Raquel J. Webster

Robert A. Buhlman, BBO #554393

Eunice E. Lee, BBO #639856

Raquel J. Webster, BBO #658796

BINGHAM MCCUTCHEN LLP

150 Federal Street

Boston, MA 02110

(617) 951-8000

Dated: December 14, 2004.

RULE 7.1(A)(2) CERTIFICATION

I hereby certify that counsel for Defendants conferred with counsel for Plaintiffs in good faith to resolve or narrow the issues presented in this motion. Counsel for Plaintiffs does not oppose the relief sought by this motion.

/s/ Raquel J. Webster

Raquel J. Webster

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above pleading was electronically served upon the attorneys of record for all parties on December 14, 2004.

/s/ Raquel J. Webster

Raquel J. Webster